



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

July 13, 2005

Chiawana Orchards
3107 River Rd
Yakima WA 98902-1140

Re: Emergency Drought Permit No. G4-35034

In accordance with the provisions of RCW 43.83B.405, on March 10, 2005, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 173-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE WATER USE HEREIN AUTHORIZED.

The Department of Ecology has agreed to fund the cost of the mitigation or offsets for the impacts associated with the drought emergency authorizations. Ecology is attempting to meet the essential irrigation needs of farmers growing perennial crops (such as orchard crops, grapes, hops, etc.) where the loss of irrigation water would permanently damage the crops. Through the use of emergency supplemental wells, Ecology is authorizing up to 80% of the usual irrigation water supply delivered by the irrigation districts.

In a normal year, Kittitas Reclamation District (KRD) is prepared to deliver 4 acre-feet of water per acre. 80% of 4 acre-feet is 3.2 acre-feet. KRD is expected to deliver approximately 1.4 acre-feet of water (35% of the full allotment). This authorization will allow an additional 1.8 acre-feet of water per acre (3.2 acre-feet less 1.4 acre-feet). The applicant's property is assessed at a total of 101 irrigable acres by KRD (64 acres in Section 1 and 37 acres in Section 2).

The total amount of water authorized under this temporary permit is prorated to adjust for the remaining portion of the normal irrigation season. The KRD irrigation season is April 20 to October 15. The irrigation season is approximately 50% complete.

This authorization is subject to the following limitations and provisions:

This authorization is for a proposed well located within the NW¼SW¼ of Section 1, T. 16 N., R. 19 E.W.M.

The instantaneous quantity of water to be withdrawn is limited to 787.5 gallons per minute based upon the instantaneous quantity requested by the applicant.

A total of 90.9 acre-feet of water is authorized under this emergency permit for the supplemental irrigation of 101 acres.

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The place of use is described as follows:

A portion of the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 1 described as:

Parcel H of that certain survey as recorded February 9, 1996, in book 21 of surveys at pages 212-215 under auditor's file No. 199602090012 records of Kittitas County, Washington.

AND

A portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 2 described as:

Parcels 1 through 6 of that certain survey as recorded January 29, 2003, in book 28 of surveys at pages 174-176 under auditor's file No. 200301290010 records of Kittitas County, Washington.

All within T. 16 N., R. 19 E.W.M., Kittitas County, Washington

The new well shall be constructed by August 1, 2005. If the new well is not completed by August 1, 2005, you must notify Ecology and provide us with an estimated completion date and a statement describing how the well will be used to provide supplemental water this year. If the well cannot be completed in sufficient time to provide water this year, this emergency permit will be cancelled.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with Chapter 173-173 WAC. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being diverted, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology by November 15, 2005.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Withdrawal of water under this authorization may be limited or otherwise regulated in favor of senior rights.

This drought emergency authorization expires on October 31, 2005.

To develop a well in the Wanapum Aquifer, the well must comply with the following construction requirements and restrictions:

- (a) Unperforated casing shall be set or placed (not driven) twenty (20) feet into the top of Wanapum (basalt) Formation, which is estimated to occur at or below a depth of approximately 550 feet.
- (b) The well casing annulus shall be sealed into the top of the Wanapum with a neat cement or neat cement grout. The sealing material shall be placed in the annulus by pumping to seal the entire annulus from the bottom of the casing to the land surface.
- (c) The well annulus shall be at least four (4) inches greater in diameter than the permanent casing.

- (d) The well depth shall terminate at or above a depth corresponding to the top of the Grande Ronde Formation, which should be encountered at a depth of approximately 700 feet.
- (e) Installation of an airline and an access port for water level measurement is required.

When flowing artesian conditions are known or suspected, the operator shall have a written sealing plan prepared prior to initiation of construction. Flowing wells shall be so constructed and equipped with valves to ensure that the flow of water can be completely stopped when not being used. Likewise, the well shall be so maintained as to prevent the waste of water through leaky casings, pipes, fittings, valves, or pumps -- either above or below land surface.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and WAC Chapter 173-160-075 through 173-160-305 (Minimum Standards for Construction and Maintenance of Water Wells).

The applicant shall require the driller to collect and retain drill cuttings for Ecology to submit for laboratory analysis as follows:

The driller shall collect and retain basalt chip samples starting with the first basalt encountered and every 20 feet thereafter and at significant changes in lithology. The depth each sample is taken from shall be recorded with the sample. Gross sample size should be large enough to provide a net minimum of sixteen (16) ounces of dry, clean, washed basalt chips from each sample. Staff from Ecology will pick up the samples during and/or at the conclusion of drilling and may arrange for X-ray Fluorescence Analysis. As soon as the drilling schedule is established, the applicant shall notify Anna Hoselton (509) 454-7887 or Ron Dixon (509) 454-7897 at the Department of Ecology, Yakima, WA, to go over any questions and arrange for site access by Ecology staff.

You have the right to appeal this decision to the Pollution Control Hearings Board. Pursuant to Chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this decision, your notice of appeal must contain a copy of the Ecology decision you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE Rowe Six Bldg 2
PO Box 40903
Lacey WA 98504-0903

Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
PO Box 47608
Olympia WA 98504-7608

In addition, please send a copy of your appeal to:

Robert F. Barwin
Department of Ecology
15 W Yakima Ave Ste 200
Yakima WA 98902-3452

Sincerely,



Robert F. Barwin, Section Manager
Water Resources Program
Central Region Office, Dept. of Ecology

RFB:MD:gg
050718

Enclosures: Flow Meter Requirements
 Your Right To Be Heard

cc: Philip Rigdon, Deputy Director, Natural Resources Division, Yakama Nation
 Curt Hart, Water Resources Program, HQ